

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roderick Jerome English,)	C/A No. 1:13-2793-JFA-SVH
)	
Plaintiff,)	
)	O R D E R
vs.)	
)	
Ms. Andrews, RN; Jane Wrecsis, Health)	
Manager; Mr. Parker, Warden; John B. Mcree;)	
Vera Courson, RN; William R. Byars, Jr.; and)	
Nurse Cebags,)	
)	
Defendants.)	

The *pro se* plaintiff, Roderick Jerome English, is an inmate with the South Carolina Department of Corrections (SCDC). He brings this action pursuant to 42 U.S.C. § 1983 raising various claims deliberate indifference to a serious medical need while he was incarcerated at the McCormick Correctional Institution (MCI). Plaintiff has moved for default judgment and a preliminary injunction. In his request for injunctive relief, plaintiff requests lab testing, a change to his sick call schedule, a review by this court of the SCDC medical policies, pictures of his leg, and a consultation by a bone specialist.

The Magistrate Judge assigned to this action¹ has prepared a Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Recommendation and opines that the plaintiff's motion for default judgment should be denied. The Magistrate Judge also recommends that the remaining requests for injunctive relief be denied as well. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation and he has timely done so.

It appears that the Magistrate Judge granted a reasonable extension of time to the defendants to respond to the complaint, and they did so within the time deadline established by the Magistrate Judge. Such a practice is common in this district, and the court finds no error in the extension of time granted by the Magistrate Judge. Accordingly, plaintiff's motion for default judgment (ECF No. 37) is denied.

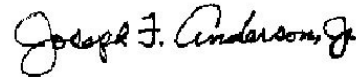
Regarding the plaintiff's claim for injunctive relief, the Magistrate Judge carefully analyzes the factors to be addressed and concludes that plaintiff has failed to carry his burden of showing entitlement to relief. The court has reviewed the plaintiff's objections and is constrained to agree with the Magistrate Judge that the plaintiff has not carried his burden on his motion. For this reason, the court overrules all objections.

The plaintiff has filed several additional motions which appear to be an effort to have this court order his early release from state custody. Although he styles the motion as one for a "Clemson" release, the court assumes he means that he is requesting clemency from this court because of his injuries. This court is powerless to order the early release of a state

inmate for clemency reasons or for any other reasons apart from a constitutional violation.

After a careful review of the record, the applicable law, the Report and Recommendation, and the plaintiff's objections thereto, the court finds the Magistrate Judge's recommendation proper and adopts and incorporates it herein by reference. Accordingly, the plaintiff's motions for injunctive relief (ECF Nos. 35, 36, 38, 39, 57, 95, and 97) are denied and this matter returned to the Magistrate Judge .

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

September 3, 2014
Columbia, South Carolina